

**REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 40-79 are now present in this application. Claims 40, 54, 58, 62, 65, 69, 73 and 79 are independent. By this Amendment, claims 54 and 73 are amended. No new matter is involved.

Reconsideration of this application is respectfully requested.

**Personal Interview**

Applicants acknowledge with appreciation the courtesies extended by Examiners Beliveau and Hoye to Mr. Robert J. Webster, their representative, during the personal interview conducted on May 1, 2007. During that interview, it was agreed that the claimed invention appears to patentably define over the applied art, including the Tracton reference, and that Applicants would file a formal reply to the outstanding Office Action traversing the rejections of record based on arguments presented during the aforementioned interview.

**Objection to Claims 54 and 73**

Claim 54 is objected to because of a minor grammatical informality. In response to these objections, Applicants have amended claims 54 as suggested by the Examiner, to overcome this informality.

Claim 73 is objected to because certain amended claim language does not appear to fit in the context in which it was added. In order to overcome this objection, Applicants have amended claim 73 to set off certain language with commas, to make the sentence more grammatically correct and, therefore, its meaning clearer.

Accordingly, reconsideration and withdrawal of these objections are respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 40-43, 47, 48 and 50 stand rejected under 35 U.S.C. § 102(e)/103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Initially, Applicants respectfully submit that the Officer Action mischaracterizes Tracton as a "broadcast service system." In actuality, Traction is fundamentally, and primarily, a system that provides dynamic content customization in a client-server configuration in which a server 52 and a client 53 are in communication over a network 54, and is primarily concerned with clients and servers used in a specific network, which it discloses as the Internet. Figs. 4 and 7, for example, involve the Internet as the network. The communicated data that is mostly discussed by Tracton includes "a web page" (col. 4, lines 50-62) and in col. 5, lines 14-29, with reference to Fig. 5, Tracton explicitly states, with respect to Fig. 5, that "[]t is assumed the client 102 network application is an web browser, and the server 100 utilizes a web server.

Other supported architectures are briefly mentioned in col. 7, and include "text-only pagers or cellular-phone based browsers." Starting at col. 7, line 35, Tracton discloses that "Fig. 7 illustrates a server configuration for performing on-the-fly scaling of content to deliver to a content." Traction then discusses, with respect to "the illustrated embodiments," the hypothetical configuration of "a server seeking to deliver a MPEG encoded news broadcast." In other words, the delivery of an MPEG encoded news broadcast is disclosed by Tracton solely in the context of the illustrated embodiments, and the only illustrated network embodiment referred to is that of Fig. 7, which involves the Internet.

Tracton continues in col. 7, lines 55+, by stating that Tracton is directed to “reprocessing the original source content 250 to allow the display of the video stream on a low-resolution decoder.”

In other words, Tracton is focused on a system that uses the Internet to display a video stream on a low-resolution decoder. Tracton contains absolutely no disclosure of receiving television broadcasts and providing them directly to a mobile television network transmitting means and via that transmitting means to a mobile telephone terminal, as recited, or for converting a received broadcast television signal into a video and audio signal in a format compatible with a signal and transmission standard of the mobile cellular telephone network and for providing the converted format video and audio signal directly to the mobile cellular network transmitting means, as recited.

Tracton provides a system that reprocesses (scales using scaler 252) the original source content 250 so that it can be received and utilized by a client 102 with a low resolution decoder, and provides it to a web server before it does to the Internet. Tracton never states where, in the chain of events a cellular phone system is involved, e.g., after the Internet stage, or wherever. Even if one went to the trouble of substituting a cellular-phone network for the Internet, which is certainly not suggested by Tracton, Tracton is still limited to doing its scaling upstream and sending the scaled signals to a web server (e.g., as shown in Figs. 4 and 7) before sending them to a network, which is significantly different from what is positively recited in the claims under rejection.

Tracton contains no disclosure whatsoever of receiving television broadcasts and providing them directly to a mobile cellular network. At best, Tracton receives an MPEG encoded news broadcast, scales it so it can be received by a low-resolution receiver, sends it to a web server, and then the web server provides the signals to a network, e.g., the internet, and in the case of sending the MPEG encoded news broadcast, eventually to a cellular phone transmitter, but the details of how this occurs are totally absent from Tracton.

Providing the signals directly to a mobile telephone transmission means does not involve sending them through a web server or through the Internet, as does Tracton, for example.

The Office Action alleges that “it is inherent and/or well known that interactive server systems can directly receive a television broadcast signal (s) (see content providers 41-44 and interactive server 5 of Fig. 1 in the Howe patent (US 6,502,242) as cited in this Office Action for example.”

Applicants respectfully submit that for something to be inherently disclosed, it must be necessarily disclosed, i.e., not just possibly disclosed and not just probably disclosed. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993), and submit that Tracton does not contain a disclosure of directly receiving a broadcast television signal.

Moreover, the fact that Howe does has not been shown to be relevant to Tracton.

A fair, balanced view of Traction reveals that it is limited to operating via a web server and the Internet and the one sentence mention of supporting cellular-based browsers does not free Tracton of the remainder of its disclosure and free Tracton to operate on directly received broadcast television signals.

Applicants respectfully submit that this rejection is based on large part on Applicants’ disclosure as improper hindsight reconstruction of the claimed invention based solely on Applicants’ disclosure.

Accordingly, the Office Action fails to make out a *prima facie* case of the obviousness of claims 40-43, 47, 48 and 50 by Tracton.

Reconsideration and withdrawal of this rejection of claims 40-43, 47, 48 and 50 are respectfully requested.

Claims 44-46 stand rejected under 35 USC §103(a) as being unpatentable over Tracton in view of U.S. patent 6,263,503 to Margulis. This rejection is respectfully traversed.

Tracton does not disclose or suggest the invention recited in claim 40, from which claims 44-46 depend at least for reasons discussed above. Moreover, Margulis is not applied to remedy the aforementioned deficiencies of Traction. Accordingly, even if one of ordinary skill in the art were properly motivated to modify Tracton in view of Margulis, which it is not, the so-modified version of Traction would neither meet, nor render obvious, the claimed invention.

Moreover, the Office Action fails to provide objective factual evidence or proper motivation to turn to Margulis to modify Traction, as suggested. Margulis is directed to a wireless television system “preferably configured for economical and efficient use in a home environment” (col. 4, lines 13-15, for example). As such, it is non-analogous art to Tracton, which is not directed to a wireless TV system, and is not directed to solving the same problem as Applicants or Tracton.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claims 44-46.

Reconsideration and withdrawal of this rejection of claims 44-46 are respectfully requested.

Claim 49 stands rejected under 35 USC §103(a) as being unpatentable over Tracton in view of U.S. Patent 6,246,430 to Peters et al. (“Peters”). This rejection is respectfully traversed.

Tracton does not disclose or suggest the invention recited in claim 40, from which claim 49 depends at least for reasons discussed above. Moreover, Peters is not applied to remedy the aforementioned deficiencies of Traction. Accordingly, even if one of ordinary skill in the art were properly motivated to modify Tracton in view of Peters, which is not the case, the so-modified version of Traction would neither meet, nor render obvious, the claimed invention.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claim 49.

Reconsideration and withdrawal of this rejection of claim 49 are respectfully requested.

Claims 51-53 stand rejected under 35 USC §103(a) as being unpatentable over Tracton in view of Margulis and further in view of U.S. patent 6,005,565 to Legall et al. (“Legall”). This rejection is respectfully traversed.

Tracton does not disclose or suggest the invention recited in claim 40, from which claims 51-53 indirectly depend, at least for reasons discussed above. Moreover, neither Margulis nor Legall is applied to remedy the aforementioned deficiencies of Traction. Accordingly, even if one of ordinary skill in the art were properly motivated to modify Tracton in view of Margulis and Legall, which is not the case, the so-modified version of Traction would neither meet, nor render obvious, the claimed invention.

Furthermore, Applicants respectfully submit that the Office Action fails to provide objective factual evidence that one of ordinary skill in the art would be properly motivated to modify Tracton in view of Margulis, as suggested, for reasons discussed above regarding traversing the rejection of claims 44-46.

Additionally, Legall contains no disclosure of transmitting television programs and is non-analogous to both Margulis and Tracton.

The alleged motivation to incorporate the EPG searching of Legall into the aforementioned improper reference combination is because “Legall is evidence that ordinary workers would appreciate the ability to search an EPG.” Applicants respectfully disagree. Just because someone would want to search an EPG does not mean that they would modify the aforementioned improper

reference combination to search an EPG the way Legall does, especially in view of the fact that Legall does not even mention the word “television” in its application and does not deal with wireless broadcast television, like Margulis does. Moreover, Legall display appears to be that of a full sized desktop PC (see col. 1, lines 20-25 for discussion of a desktop, and col. 2, lines 7-14, which discusses a “Sony PC”), and contains much too much information to be displayed as shown in Figs. 2 and 3B of Legall on a cellular telephone screen.

Accordingly, the Office Action fails to make out a *prima facie* case of proper motivation to modify the aforementioned Tracton-Margulis improper reference combination in view of Legall.

Reconsideration and withdrawal of this rejection of claims 51-53 are respectfully requested.

Claims 54-65 and 69-70 stand rejected under 35 USC §103(a) as being unpatentable over Margulis in view of U.S. Patent Application Publication 2006.0105804 to Kumar. This rejection is respectfully traversed.

Initially, Applicants note that independent claims 54, 65 and 69 positively recite a combination of features that is neither disclosed nor suggested by Margulis or Kumar, including, for example, a transcoding means which converts the provided digital video and audio signal inputted from the digital video and audio input means into a format and transmission rate compatible with transmission over a transmission channel of the mobile cellular telephone network and provides the converted format video and audio signal directly to an allotting transmitting means; or similar method steps. Because neither reference discloses the claimed features, there is no objective factual basis of record for rendering the claimed invention obvious.

Furthermore, Applicants are willing to provide an accurate English language translation of their Korean Priority Application, No. 28811/1999, filed on July 16, 1999, which removes Kumar,

whose filing date is April 7, 2000, as a reference under 35 USC §102(e)/103(a). While Kumar claims benefit under 35 USC §119(e) of Provisional Patent Application No. 60/128,138, filed on April 7, 1999, the Office has not made available to Applicants a copy of that Provisional Patent Application, and, thus, has not made out a *prima facie* case of Kumar as prior art under 35 USC §103(a) as of a date earlier than July 16, 1999. In this regard, Applicants note that they are unable to access the Provisional Patent Application on Public PAIR.

Accordingly, the Office Action fails to make out a *prima facie* case of proper motivation to modify Margulis in view of Kumar to arrive at or otherwise render obvious the claimed invention.

Reconsideration and withdrawal of this rejection of claims 54-65 and 69-70 are respectfully requested.

Claims 66-68 stand rejected under 35 USC §103(a) as being unpatentable over Margulis in view of Kumar and further in view of Peters. This rejection is respectfully traversed.

The Margulis-Kumar reference combination does not disclose or suggest the invention recited in claim 65, from which claims 66-68 depend at least for reasons discussed above. Moreover, Peters is not applied to remedy the aforementioned deficiencies of the Margulis-Kumar reference combination. Accordingly, even if one of ordinary skill in the art were properly motivated to modify the Margulis-Kumar reference combination in view of Peters, which is not the case, the so-modified version of the Margulis-Kumar reference combination would neither meet, nor render obvious, the claimed invention.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claims 66-68.

Reconsideration and withdrawal of this rejection of claims 66-68 are respectfully requested.

Claims 71-78 stand rejected under 35 USC §103(a) as being unpatentable over Margulis in view of Kumar and further in view of Tracton. This rejection is respectfully traversed.

Applicants note that (1) independent claim 73, from which claims 74-78 depend, positively recites a combination of features including an outputting means for outputting the restored television broadcast from the decoding means directly to a mobile cellular network transmitting means for transmission over the mobile cellular telephone network to and (2) for viewing on the mobile cellular communication subscriber terminal; and that claim 69, from which claims 70-72 depend, recites similar features, i.e., features which are neither disclosed nor suggested by any of the three applied references.

Thus, no matter how these references are combined, they will not result in, or otherwise render obvious, the claimed invention.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention.

Reconsideration and withdrawal of this rejection of claims 71-78 are respectfully requested.

Claim 79 stands rejected under 35 USC §103(a) as being unpatentable over Tracton in view of Margulis and further in view of Tracton. This rejection is respectfully traversed.

Claim 79 positively recites a combination of features including, at the format converter, in response to said request from the mobile telephone network, supplying the video and audio data of the selected broadcast television channel directly to the mobile telephone network in a format which is compatible for transmission over the mobile telephone network. This combination of features is neither disclosed nor suggested by any of the three applied references.

Thus, no matter how these references are combined, they will not result in, or otherwise render obvious, the claimed invention.

Furthermore, the Office Action fails to provide objective factual evidence or proper motivation to turn to Margulis to modify Traction, as suggested. Margulis is directed to a wireless television system “preferably configured for economical and efficient use in a home environment” (col. 4, lines 13-15, for example). As such, it is non-analogous art to Tracton, which is not directed to a wireless TV system, and is not directed to solving the same problem as Applicants or Tracton.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention.

Reconsideration and withdrawal of this rejection of claim 79 are respectfully requested.

### Additional Cited Reference

Because the remaining reference cited by the Examiner has not been utilized to reject the claims, but has merely been cited to show the state of the art, no comment need be made with respect thereto.

### Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

**Dated: May 22, 2007**

Respectfully submitted,

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